

# **DEFICIENCY PROGRESS REPORT – UPDATE 3**

February 11, 2008

## **CUPA: CITY OF SANTA MONICA ENVIRONMENTAL PROGRAMS DIVISION**

**Evaluation Date:** May 8 and 9, 2007

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**Status:** All deficiencies have been corrected.

**Next Progress Report Due:** No further update is required.

1. **Deficiency:** The CUPA is not adequately evaluating the Los Angeles County Fire Department Participating Agency (PA).

**Preliminary Corrective Action by July 7, 2007:** The CUPA and the PA will meet and agree on the methods to be used to ensure that the data provided by the PA are reflective of the PA's activities and findings. By August 7, 2007, the CUPA will submit a status of their progress with the PA. Additionally, before submittal of the Fiscal Year (FY) 2006-2007 Annual Summary Reports, the CUPA will ensure the accuracy of the data reported.

**CUPA Corrective Action (August 6, 2007):** Following the evaluation, the City of Santa Monica and its PA[,] the County of Los Angeles[,] met on June 5<sup>th</sup>, 2007[,] to discuss coordination issues and establish a method for ensuring that inspection and enforcement information provided by the County of Los Angeles is accurate and consistent. The City of Santa Monica has been in close contact with the various administrative, inspection, and financial sections of the County of Los Angeles PA to ensure that billing, inspection, and reporting information transmitted is accurate. Both agencies have agreed to schedule phone conferences on a monthly basis and meetings on a quarterly basis to provide program updates and ensure facility information is current. Prior to submitting the Fiscal Year (2006-2007) Annual Summary Reports the City of Santa Monica will meet with its PA to review the accuracy of the data reported. The inspection section supervisor with the County of LA has been assigned as the primary contact to ensure consistency in the inspection and enforcement program. The City of Santa Monica and County [of Los Angeles] will continue to correspond via email, phone, and meetings through-out the year to ensure the accuracy of information.

**Cal/EPA & DTSC Comments to August 6, 2007, Corrective Action:** DTSC finds that the CUPA's response is sufficient to document correction of this deficiency. No further update is required.

2. **Deficiency:** The CUPA is not implementing a single Unified Inspection and Enforcement (I&E) Program that reflects their actual inspection and enforcement activities.

**Preliminary Corrective Action by August 7, 2007:** The CUPA will ensure that their I&E Plan is updated to incorporate their administrative citation process and the inspection and enforcement activities of the PA.

**CUPA Corrective Action (August 6, 2007):** The Inspection and Enforcement Plan has been updated to include the administrative citation process and the inspection and enforcement activities of the PA. See attachment A – Inspection and Enforcement Plan.

***Cal/EPA Comments to August 6, 2007, Corrective Action:*** *Cal/EPA considers this deficiency corrected and no further update is required.*

3. **Deficiency:** The CUPA is not ensuring that the PA is adequately regulating all facilities in its jurisdiction.

**Preliminary Corrective Action by July 7, 2007:** The CUPA and the PA will meet and agree on the methods to be used to ensure that all regulated hazardous waste facilities in the CUPA's jurisdiction are inspected at least once every three years. The PA will achieve their inspection frequency for the hazardous waste generator facilities. Beginning August 7, 2007, the CUPA will submit a status of the PA's progress that includes the number of facilities inspected.

**CUPA Corrective Action (August 6, 2007):** Following the evaluation, the City of Santa Monica and its PA, the County of Los Angeles, met on June 5<sup>th</sup>, 2007[,] to discuss coordination issues and establish a method for ensuring that inspection and enforcement information provided by the County of Los Angeles is accurate and consistent. At the time of the evaluation, of the 175 active HWG facilities 75 facilities were overdue for an inspection for a period of three or more years. The County has thus far inspected 51 of those 75 overdue facilities and is scheduled to inspect the remaining 24 overdue facilities by the end of August 2007. Beginning in September of 2007 the County of Los Angeles and the City of Santa Monica have agreed to meet by phone on a monthly basis to provide updates on inspection schedules. Once all the overdue facilities have been inspected the update meetings will be held on a quarterly schedule.

***Cal/EPA & DTSC Comments to August 6, 2007, Corrective Action:*** *Cal/EPA and DTSC appreciate the effort that the CUPA has made toward correcting this deficiency. Due to the high percentage of overdue inspections, this deficiency remains a correction in progress. On the next progress report, due on November 5, 2007, please update Cal/EPA on the progress toward correcting this*

*deficiency, including the total number of HWG sites and number of routine (compliance) inspections conducted as well as any additional information on completing overdue inspections.*

**CUPA Corrective Action (November 3, 2007):** The City and County continue to meet by phone on a monthly basis to provide summary inspection updates on the numbers conducted, overdue, and scheduled. Since the last update to the state the County has assigned additional inspectors to Santa Monica in order to catch up on the number of overdue inspections. Currently there are 19 overdue inspections of which 9 have only recently become overdue in October. The supervisor with the County of LA has instructed the assigned inspector to give full attention to these overdue CUPA facilities in order to catch up by the end of November. The City will continue to meet with the County by phone on a monthly basis until all the inspections are caught up. Thereafter the meetings will be held every three months.

***Cal/EPA & DTSC Comments to November 3, 2007, Corrective Action:*** *The CUPA continues to make progress toward correcting this deficiency. Based on the CUPA's FY 06/07 Annual Inspection Summary Report, 32 of 173 hazardous waste generator facilities were inspected. This is an improvement from the previous FY 05/06 inspection rate of 6%. The CUPA is strongly encouraged to continue with their progress with the PA. On the next progress report, due on February 4, 2008, please update Cal/EPA on the status of this deficiency, including the total number of hazardous waste generators and the number of routine compliance inspections conducted within the first half of this fiscal year.*

**CUPA Corrective Action (January 29, 2008):** The City of Santa Monica continues to coordinate with the County of Los Angeles on a monthly basis to ensure the frequency of Hazardous Waste Generator Inspections remains consistent. We are pleased to report that LA County has inspected all 75 facilities that were initially identified as overdue during the evaluation. In addition LA County continues to identify facilities on a monthly basis as they come up for their routine 3 year inspection. From July 1<sup>st</sup> of 2007 to December 31<sup>st</sup>, 2007 a total of 91 facilities from a total of 175 facilities were inspected in Santa Monica for the hazardous waste generator program element. Since January 11<sup>th</sup>, 2008 the County has identified a total of 3 facilities due for an inspection. The County is currently scheduling inspections for these facilities. The County of LA and City of Santa Monica will continue to communicate on a monthly basis by phone and email to update each other on the progress of inspections with an annual PA meeting scheduled for June of each year.

***Cal/EPA & DTSC Comments to January 29, 2008, Corrective Action:*** *The CUPA has made tremendous progress toward correcting this deficiency. Approximately 52% of the CUPA's hazardous waste generators were inspected during the first half of this fiscal year. Keep up the great work and coordination*

*with Los Angeles County. This deficiency is considered corrected; no further update is required.*

4. **Deficiency:** The CUPA has not met the mandated inspection frequency for underground storage tank (UST) facility compliance for FY 03/04 and FY 04/05.

**Preliminary Corrective Action (annual basis):** On an annual basis, the CUPA will ensure that all facilities have been inspected. Beginning August 7, 2007, the CUPA will submit a status of their progress, including the number of facilities inspected.

**CUPA Corrective Action August 6, 2007:** Of the 39 UST facilities the City of Santa Monica has thus far inspected 14 facilities with an additional 11 facilities scheduled to be inspected by the end of August 2007. The balance of 14 facilities will be inspected before the end of the 2007 calendar year.

**Cal/EPA & SWRCB Comments to August 6, 2007, Corrective Action:** *Cal/EPA and the SWRCB are well aware of the CUPA's UST inspection cycle, which runs from May through August of each year and is extended later into the year if facilities require an extension. The CUPA is on schedule with their inspections. The CUPA has inspected approximately 36% of its UST sites thus far and will have inspected about 64% by the end of August. On the next progress report, due on November 5, 2007, please update Cal/EPA on the progress toward correcting this deficiency, including the total number of UST facilities and the total number of routine (compliance) inspections conducted.*

**CUPA Corrective Action (November 3, 2007):** Of the 43 tank facilities the City of Santa Monica has thus far inspected 32 facilities with an additional 2 pending construction, leaving 2 that still need to be scheduled. The City will also inspect all 7 of its facilities by the end of 2007. Since the last update the City has inspected [an additional] 18 facilities.

**Cal/EPA & SWRCB Comments to November 3, 2007, Corrective Action:** *The CUPA remains on schedule with their UST inspections. On the next progress report, due on February 4, 2008, please update Cal/EPA on the progress toward correcting this deficiency, including the total number of UST facilities and the number of routine compliance inspections conducted for calendar year 2007.*

**CUPA Corrective Action (January 29, 2008):** For calendar year 2007, of the 43 UST facilities, 41 UST facilities have been inspected. Of the 2 facilities that have not been inspected, one is pending tank replacement activity (Met-L-Chek) and the second has changed ownership and has been given until the end of January, 2008 to schedule the inspection (Atlantic Aviation).

***Cal/EPA & SWRCB Comments to January 29, 2008, Corrective Action:*** *This deficiency is considered corrected; no further update is required.*